

REMARKS

The Office Action, mailed October 10, 2006, considered and rejected claims 1-9. Claims 1-2 and 5-8 were rejected under 35 U.S.C. 102(b) as being anticipated by *Peterson et al.* (US Patent 6,152,937), claims 3-4 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Peterson et al.* in view of *Abrams et al.* (US Patent 6,036,720), while claim 9 was rejected under 35 U.S.C. 103(a) as being unpatentable over *Peterson et al.* in view of *Salahieh et al.* (US Patent 5,769,870).¹ By this paper, claim 1 has been amended and claims 10-20 added. Accordingly, following this paper, claims 1-20 remain pending, of which claims 1, 10, and 15 are the only independent claims at issue.

Peterson et al. was cited as disclosing "a method of manufacture of a clip-like device" comprising various steps (Office Action Page 2). *Peterson et al.* discloses "structures that can be used to make connections between tubular medical grafts and a patient's tubular body conduits" (Col. 1, ll. 6-8). In particular, *Peterson et al.*, however, neither teaches nor suggest the invention claimed in independent claims 1, 10, or 15. In particular, the method of manufacture described in *Peterson et al.* includes as "[a] first step in manufacturing . . . form[ing] the sheet into a cylindrical tube" (Col. 5, ll. 48-49). "The next step involves cutting or machine the tube" and subsequently "deflect[ing] fingers on the machined tube to approximately the positions that are desired in the finished and installed connector" (Col. 5, ll. 50 and col. 6, ll. 35-37). Mention is made that "[t]he starting tube is machined into the configuration (represented as a plane in FIG. 2) . . . [and that the] machining may be performed either in the cylindrical tubular configuration or in the sheet configuration" (Col. 6, ll. 27-31).

Although mention is made of the "machining may be performed either in the cylindrical tubular configuration or in the sheet configuration" there is no discussion or suggestion that the manufacturing includes at least "removing one or more portions from the sheet to from a clip comprising a generally-annular body including a plurality of looped elements defining a periphery," and either "a plurality of tines extending from the body within the plane" as recited

¹ Although the prior art status of the cited art is not being challenged at this time, Applicant reserves the right to challenge the prior art status of the cited art at any appropriate time, should the need arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art. Further, notwithstanding the arguments made herein, it should not be construed as Applicant acquiescing to any of the purported teachings or assertions made in the last action regarding the cited art or the pending application, including any official notice. Instead, Applicant reserves the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the future, should the need arise.

in independent claim 1, "said plurality of tines extending from a first looped element of said plurality of looped elements from a first portion of the inner periphery to a second portion of the inner periphery," as recited in claim 10, or "a pair of primary tines extending from the body within the plane, each of said primary tines extending from a first looped element of said plurality of looped elements from a first portion of the inner periphery toward a second portion of the inner periphery, said primary tines being offset one to another," as recited in claim 15.

In particular, the device illustrated in FIG 2 of *Peterson et al.* is a plane view of the configuration of the "sheet [formed] into a cylindrical tube" following machining (Col. 5, ll. 48-49 and Col. 6, ll. 27-28). As such, *Peterson et al.* neither teaches nor suggests a clip having "a generally-annular body . . . and a plurality of tines extending from the body within the plane." When in a sheet configuration, the cut sheet of *Peterson et al.* used to form the component is not "a generally-annular body." Alternatively, when the sheet of *Peterson et al.* is formed "into a cylindrical tube" and then machined, the "component 10" does not include "a plurality of tines extending from the body within the plane," a "plurality of tines extending from a first looped element of said plurality of looped elements from a first portion of the inner periphery to a second portion of the inner periphery," or "a pair of primary tines extending from the body within the plane, . . . said primary tines being offset one to another."

Abrams et al. was cited in the Office Action for disclosing "a therapeutic coating or a radiopaque coating on at least a portion of the clip," while *Salahieh et al.* was cited in the Office Action for disclosing "at least a coating of a hydrophilic polymer." Neither *Abrams et al.* nor *Salahieh et al.* overcome the deficiency of *Peterson et al.* as described above.

As such, Applicants respectfully submit that pending claims 1-20 and neither taught nor suggested by *Peterson et al.*, *Abrams et al.*, or *Salahieh et al.*, whether individually or collectively. Consequently, Applicants respectfully request that the rejection of claims 1-20 be withdrawn and the claims

Accordingly, Applicant respectfully submits that pending claims 1-20, as amended and presented herein, are neither disclosed in *Peterson et al.*, *Abrams et al.*, or *Salahieh et al.*, nor obvious variations thereof, whether individually or collectively. Accordingly, it is respectfully submitted that claims 1-20, as amended and presented herein, overcome the rejections based on Sections 102 and 103.

In the event that the Examiner finds and remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 20th day of March, 2007.

Respectfully submitted,

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